

ROHTAK CIRCLE

The 13th June, 1981

No. S.E. Rohtak Circle. P.W.D./B.&R. Branch/Rohtak/28RA/6/685.—Whereas the Governor of Haryana is satisfied that land specified below is needed by the Government. at public expenses, for the public purpose, namely, constructing a road from Basantpur to Dhamar in Rohtak district, it is hereby declared that the land described in the specification below is required for the aforesaid purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Land Acquisition Collector, Haryana, Public Works Department, Buildings and Roads Branch, Ambala Cantt, is hereby directed to take order for the acquisition of the said land.

Plans of the land may be inspected in the offices of the Land Acquisition Collector, Haryana, Public Works Department, Buildings and Roads Branch, Ambala Cantt. and Executive Engineer, Provisional Division.

SPECIFICATION

District	Tehsil	Locality/ Village	Hadbast No.	Area in Acres	Khasra No.	
Rohtak	Rohtak	Basantpur	63	5.30	21	22
					25	21, 22, 23, 24, 25
					23	
					21, 22, 23, 24, 25	
					24	
					21, 22, 23, 24, 25	
					25	
					21, 22, 23, 24, 25	
					26	27
					1, 2, 3, 26	1, 2, 3, 4, 5
					28	
					1, 2, 3/1, 4, 5, 26, 27	
					29	30
					1, 2, 3, 4, 5	2, 3, 5/1
					Plots : 196, 198, 199, 201, 202, 203, 204, 206, 207, 208, 209, 208B, 210, 211, 214, 215, 216, 217, 218, 219, 220, 221, 205, 212, 213	
					Path. : 62, 63	
					Dhana : 61, 64, 65 Abadi 258	
Rohtak	Rohtak	Dhamar	62	7.52	45	46
					24, 25	21, 22, 23/1, 23/2, 24, 25
					47	
					21, 22/1, 22/2, 23, 24, 25	

District	Tehsil	Locality/ Village	Hadbast No.	Area in Acres	Khasra No.
Rohtak	Rohtak	Dhamar— concl'd	62— concl'd	7.52— concl'd	64
					20, 21, 22/1, 22/2, 23
					65
					1, 8, 9/1, 9/2, 10, 12, 13/1, 13/2, 14/1.
					65
					14/2, 15/2, 16/1, 16/2, 17, 25
					66
					1, 2, 3, 4, 5/1, 5/2, 5/4, 5/3
					67
					1, 2, 3/1, 3/2, 4, 5
					68
					4, 5
					73
					2, 3/1, 3/2, 4, 5, 6/1, 6/2, 7, 15
					74
					10, 11, 12/1, 12/2, 13, 17, 18/1, 18/2, 19,
					74
					23, 24, 25/1, 25/2
					75
					85
					21
					11, 20
					86
					1/1, 1/2, 2, 3, 7/1, 7/2, 8/1, 8/2, 9, 10,
					86
					87
					13, 14/1, 14/2, 15, 16
					5
Total area				12.82	Consolidation Path 148, 149, 150

(Sd.) . . .

Superintending Engineer,
Rohtak Circle, P.W.D., B. & R. Branch,
Rohtak.

Circle Karnal

The 10th June, 1981

No. SE/Karnal/Circle/PWD/B&R/343/R.—Whereas the Governor of Haryana is satisfied that land below is needed by the Government, at public expense, for a public purpose, namely, a road from Kand Munak Salwan road to village Manpura Ballah in Karnal District, it is hereby declared that the land described in the specification below is required for the aforesaid purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Land Acquisition Collector, Haryana, P. W. D., B. & R. Branch, Ambala Cantt, is hereby directed to take order for the acquisition of the said land.

Plans of land may be inspected in the offices of the Land Acquisition Collector, Haryana, P. W. D., B. & R. Branch, Ambala Cantt. and the Executive Engineer, Provincial/Construction Division.

SPECIFICATION

District	Tehsil	Locality/ Village & Hadbast	Area in Acres	Rectangle/Killa No.
Karnal	Karnal	Ballah Manpura	12.92	21
				11, 12, 16/1, 17/1, 17/2, 18/2, 18/1, 18/2/1, 19/1,
				21 22
				24, 25/1, 25/2 21/1, 21/2
				41
				13, 14/1, 14/2, 15, 16/1, 16/2, 20, 21, 22/1,
				41 42
				22/2, 23/1, 23/2 1, 2/1, 2/2, 3, 7, 8/1, 8/2,
				42
				9, 13, 14/1, 14/2, 15, 16/1, 16/2, 25/2
				52
				2, 3/1, 3/2, 4, 6, 7/1, 7/2, 7/3, 8, 15
				53
				11, 12/2, 16, 17, 18, 19/1, 19/2, 20, 23,
				53 54
				24/1, 24/2, 25 21, 22
				74
				1/1, 1/2, 2, 8, 9, 12/1, 12/2, 13, 18/1, 18/2, 23,
				74 89
				24, 25 3/2, 4, 7/1, 7/2, 14/1, 14/2, 14/3, 16,
				89 111
				17/1, 17/2, 24, 25 11, 20, 21/1, 21/2
				112
				5/1, 5/2, 6/1, 6/2, 6/3, 15/1, 15/2, 16
				128
				1/1, 1/2, 9, 10, 11, 19, 22
				149
				3, 7, 8/1, 18/2, 14/1, 14/2, 16, 17, 24
				168
				4, 7, 8, 13, 18, 22/2, 23/1, 23/2

District	Tehsil	Locality/ Village & Hadbast	Area in Acres	Rectangle/Killa No.
Karnal	Karnal	Ballah Manpura— conold		295, 298, 421, 432, 438, 438.2, 440 441, 442, 443, 461, 477, 478, 479, 480, 482, 483, 507, 510, 513, 517, 521, 525, 533, 534, 535, 537, 538, 539, 569, 1213, 1214, 1215, 1216, 1217, 1456, 1457, 1458, 1548, 1552, 1553, 1556, 1595, 1543, 1557, 1568, 1682, 1683, 1744
Total			12.92	

No. S.E./Karnal Circle, P.W.D., B. & R./344/R.—Whereas the Governor of Haryana is satisfied that and below is needed by the Government, at public expense, for a public purpose, namely, Ballah to village Pabana Hasanpur, tehsil Karnal, district Karnal, it is, therefore, hereby declared that the land described in the specification below is required for the aforesaid purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Land Acquisition Collector, Haryana, P.W.D., B. & R. Branch, Ambala Cantt., is hereby directed to take orders for the acquisition of the said land.

Plans of land may be inspected in the offices of the Land Acquisition Collector, Haryana, P.W.D., B.&R. Branch, Ambala Cantt., and Executive Engineer, Provincial/Construction Division.

SPECIFICATION

District	Tehsil	Locality/ Village & Hadbast	Area in Acres	Rectangle/Killa No.
Karnal	Karnal	Ballah, H.B. No. 30	13.49	32 2, 3, 8, 9, 12, 13, 18, 19/1, 19/2, 21, 32 22/1, 22/2 59 15, 16/1, 16/2, 24, 25/1, 25/2 60 1, 2, 10/1, 10/2, 11/1, 11/2, 20 69 4/1, 4/2, 5, 7/1, 7/2, 8, 13, 14, 18/1, 69 18/2, 22/1, 22/2, 23/1, 23/2 94 2/1, 2/2, 9/1, 9/2, 9/3, 12/1, 12/2, 94 19/1, 19/2

istrict	Tehsil	Locality/Village and H.B. No.	Area in acres	Rectangle/Killa No.
Karnal	Karnal	Ballah, Hadbast No. 30—concl'd	13.49 —concl'd	107
				1, 2, 9, 10/1, 11/1, 11/2, 20
				108
				15, 16/1, 16/2, 24, 25/1, 25/2
				131
				4/1, 4/2, 5, 7/1, 7/2, 13, 14, 18/1,
				131
				18/2, 22, 23
				146
				2/1, 2/2, 9/1, 9/2, 10, 11, 12, 20/1,
Do	Do	Pabana H.B. No. 72	9.72	146
				20/2, 21/1, 21/2
				147
				20, 22, 23/1, 23/2, 24/1, 24/2, 25
				148
				19, 20
				303, 422, 438, 443, 444, 445, 446, 449,
				1015, 1024, 1025, 1030, 1054, 1055, 1056,
				1079, 1080, 1081, 1082, 1083, 1084, 1085,
				1088, 1089, 1093, 1094, 1095, 1096, 1097,
Do	Do	Hassanpur	9.72	1143, 1144, 1145, 1146, 1147, 1148, 1149,
				1150, 1151, 1152, 1153, 1154, 1155, 1156,
				1157, 1158, 1159, 1160, 1161, 1168, 1170, 1180,
				1186, 1187, 1192, 1200, 1201, 1202, 1203,
				1211, 1215, 1216, 1217, 1218, 1219, 1220,
				1237, 1254, 1445, 1446, 1449, 1539, 1566,
				1567, 1571, 1670, 1671, 1672
				54
				1, 10, 11/1, 11/2, 20, 21, 26
				67
Do	Do	Hassanpur	9.72	1, 10/1, 10/2, 11/1, 11/2
				68
				15, 16/1, 16/2, 24, 25

District	Tehsil	Locality/Village and Hadbast No.	Area in acres	Rectangle/Killa No.
Karnal	Karnal	Pabana Hassanpur, H.B. No. 72 <i>concl'd</i>	87	3, 4/1, 4/2, 7, 8/1, 8/2, 9, 12/1, 12/2,
			87	19/1, 19/2, 20, 21/1, 21/2, 88/25
			104	5, 6/1, 6/2, 15/1, 15/2, 16/1, 16/2, 16/3,
			104	24, 25/1, 25/2, 105/1, 10
			117	4, 5, 6, 7/1, 7/2, 14/1, 14/2, 17/1, 17/2,
			117	23/1, 23/2, 24/1, 24/2
			132	2/1, 2/2, 3, 9, 10, 11
			133	15, 16, 17, 23/1, 23/2, 24/1, 24/2
			135	2, 3
				153, 171, 172, 175, 176, 203, 205, 206, 225, 226, 227, 228, 229, 238, 239, 241, 242, 247, 248, 249, 270, 281, 282, 283, 415, 416, 419,

(Sd.) . . .

Superintending Engineer,
Karnal Circle, P.W.D., B. & R. Branch,
Karnal.

LABOUR DEPARTMENT

The 20th February, 1981

No. 9(1)-81-8Lab/1561.—In pursuance of the provision of section 17 of the Industrial Disputes Act 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Greevees Enterprises Pvt. Ltd., Sector-6, Faridabad :—

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 129 of 1979

between

SHRI OM PARKASH, WORKMAN AND THE MANAGEMENT OF M/S GREEVEES ENTERPRISES
PVT. LTD., SECTOR-6, FARIDABAD

Present.—

Shri R. N. Roy, for the Workman.
Shri A.J.S. Chadha, for the management.

AWARD

By order No. ID/ED/9/79/16284, dated 13th April, 1979 the Governor of Haryana referred the following dispute between the management of M/s Greevees Enterprises Pvt. Ltd., Sector-6, Faridabad and its workman Shri Om Parkash to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act 1947 : -

Whether the termination of services of Shri Om Parkash was justified and in order ? If not, to what relief is he entitled ?

On the receipt of the order of reference notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, issues were framed on 7th November, 1979 and the case was fixed for the evidence of the management, who examined Shri Jasbir Singh their production manager as MW-1 and closed their case. Then the parties compromised and the workman made a statement that he was ready to receive Rs 750 as his full and final settlement of the dispute and that he will have no claim for reinstatement. The management paid the stipulated amount to the workman.

In these circumstances, I give my award that the dispute has been mutually settled and the workman has received Rs 750 as his full and final settlement forgoing for his claim including the right of reinstatement etc.

Dated the 4th February, 1981.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal Haryana,
Faridabad.

Endorsement. No. 148, dated the 5th February, 1981

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9(1)-81-8Lab/1563.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Snow Temp Engineering Co. Ltd., Faridabad :—

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 49 of 1979

between

THE WORKMEN AND THE MANAGEMENT OF M/S SNOW TEMP ENGINEERING CO. LTD., FARIDABAD

Present.—

Shri Darshan Singh, for the workmen.

Shri S. L. Gupta, for the management.

AWARD

By order No. FD/3925, dated 25th January, 1979 the Governor of Haryana referred to the following dispute between the management of M/s Snow Temp Engineering Co. Ltd., Faridabad and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the workmen are entitled to the grant of bonus at a higher rates than declared by the management for the year 1977-78 ? If so, with what details ?

On receipt of the orders of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties issues were framed on 14th July, 1979 and the case was fixed for the evidence of the workmen. Balance sheets were filed by the management and the case was fixed for filing objections by the workmen. The workmen took many opportunities to file their objections which were so filed and reply was also given by the management. Then the case was fixed for the evidence of the workmen. As many as six opportunities were given to the workmen to adduce their evidence but they did not do so. Finally their representative made a statement withdrawing from the proceedings. Under the circumstances the evidence of the workmen was closed. The representative for the management made a statement that they did not want to produce any evidence. Therefore, the case was finally closed.

In the absence of evidence of the workmen for higher hopus, no finding is necessary. The workmen have failed to establish their case. Therefore, the workmen are not entitled to any relief.

Dated the 4th February, 1981.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 149, dated 5th February, 1981.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

No. 9(1)-81-8Lab/1565.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. Soverin Knit Works, Mathura Road, Faridabad.

BEFORE SHRI M.C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 299 of 1979

between

SHRI JAG NARAIN, WORKMAN AND THE MANAGEMENT OF M/S. SOVERIN KNIT WORKS
MATHURA ROAD, FARIDABAD

Present :—

Shri S. R. Gupta, for the workman.

Shri S. L. Gupta, for the Management.

AWARD

By order No. FD/52-79/41946, dated 24th September, 1979 the Governor of Haryana referred the following dispute between the management of M/s Soverin Knit Works, Mathura Road, Faridabad and its workman Shri Jag Narain, to this Tribunal, for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Jag Narain, was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, issues were framed on 14th December, 1979 and the case was fixed for the evidence of the management. The management examined Shri Mohinder Singh, Manager of the management as MW-1. Shri O. P. Yadav their Security Officer, as MW-2. Then

the case was fixed for settlement. On the last date of hearing settlement was arrived at according to the settlement the representative for the management stated that the workman had already been taken on duty and the management shall pay half back wages for the period from the date of retrenchment till reinstatement and the retrenchment compensation if paid shall be adjusted from the amount payable by the management to the workman. The representative for the workman agreed to the statement of the representative for the management.

In view of the statements given by the parties. I give my award that the workman had been taken on duty and the management shall pay half back wages for the period from the date of retrenchment till reinstatement and the retrenchment compensation if paid shall be adjusted from the amount payable by the management to the workman.

Dated the 5th February, 1981.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 154, dated 6th February, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 20th April, 1981

AWARD

No. 9(1)81-8Lab/3913/11.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/S. The Printers House Pvt. Ltd., 22/1 Mathura Road, Ballabgarh.

IN THE COURT OF
SHRI ISHWAR PRASAD CHAUDHRY
PRESIDING OFFICER,
LABOUR COURT,
HARYANA FARIDABAD
Reference No. 157 of 1980

between

SHRI SATISH PARKASH, WORKMAN
AND THE MANAGEMENT OF M/S.
THE PRINTERS HOUSE PRIVATE
LIMITED, 22/1, MATHURA ROAD,
BALLABGARH.

Present:—

Shri P. L. Aneja, for the workman.

Shri R. C. Sharma, for the respondent
management.

This reference No. 157 of 1980 has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/15-78/12070, dated 5th March, 1980 under Section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Satish Parkash, workman and the management of M/s. The Printers House Private Limited, 22/1, Mathura Road, Ballabgarh. The term of the reference was.—

Whether the dismissal of Shri Satish Parkash was justified, and in order? If not, to what relief is he entitled?

After receiving this reference notices were sent to both the parties, who appeared and filed their pleadings. On the pleadings of the parties, following issues were framed:—

1. Whether the dismissal of services of the workman is proper justified and in order? If not to what relief is he entitled (O.P.M.)

2. Relief.

My findings are as under on both the issues.

In this case the management respondent produced two witnesses S/Shri Santokh Singh its Electrical foreman and Shri K. L. Chomel incharge of the respondent company.

From the side of the worker he has himself appeared as his own witness and closed his case.

The workman in his demand notice and claim statement has stated that he was appointed as a fitter by the management respondent in 1972 and he was illegally dismissed by the management from its service because he was the President of workers union affiliated to B.M.S. a trade union and because the management did not like union activities in its factory and illegally terminated his services to finish the trade union activities.

The management in their written statement admitted the appointment of the worker as a turner, but denies any illegal dismissal. They justify the termination because the workman Shri Satish Parkash was continuously committing misconducts of very high order. They allege that they gave many opportunities to amend himself but to no avail and they were helpless. They say that they charge sheeted him which the worker admitted and therefore, they dispensed with his services.

The management has produced Exhibit M-1 to M-54 different documents in support of their case, whereas the workman claimant produced Exhibit W-1 to W-22 to prove his case.

The charges against this workman claimant, of the management are that he is guilty of utter misconduct and use of abusive language in garb of so called president of the union. Exhibit M-10 is one document which is solely enough to prove the grave conduct committed by this workman. This Exhibit M-10 is a report to the local police made by the workman Satish Parkash against the officers of the management. He has used unparliamentary language against an officer of the respondent management

named as Mangu who is a Personal Officer there. This he has done he says in his capacity as a President of the workers union, but he is certainly a workman first and President of the workers union later. Moreover, even a person who is President of workers union can also not be given a licence to use unparliamentary language.

Secondly it was argued from the side of the workman that the police enquired into the allegations of Exhibit M-10 and found them correct. The management on the other hand argued that the police did not take any action on Exhibit M-10 because on investigation they found the charges to be baseless and without bearings. The contention of the workman side is that since the police did not proceed under Section 187 of I.P.C. against the workman Satish Parkash the author of Exhibit M-10, therefore, the allegations should be inferred as true, but such a test is not the proof of truthfulness of the allegations. Is it not sufficient that the police did not take any action on allegations of Exhibit M-10, against the management respondent? I think the police did not find any truth in these allegations and filed the Exhibit M-10.

The next arguments advanced from the side of the workman was that the workman Shri Satish Parkash had two positions in the respondent factory. First as a workman (fitter) and second as a President of the workers union. They say that he was within his right as President to level allegations against the management and its officers, but there is some limit of such a right. The workman firstly has not produced any documentary proof that he was President of the workers union and secondly no President can be allowed to abuse and use derogatory, defamatory language was the arguments of the management. I fully agree with the contention of the management on his point. Even if he was to act as a President still there was some better way of expressing himself rather than to call some one names in dirty manner.

The management in its support has cited case of M/s. Bamat Coleman & Co.

Ltd., vs. M. Valladares and others, 1955-LLJ-Vol. II Page 549 (L.A.T.) In this ruling it has clearly been held that none high or law can be permitted to use defamatory and abusive language against the management or its officers. So in the instant case the workman claimant has tried to shield his guilt of mis-conduct in garb of being President of workers union. Even if he is President still he could not be allowed to play with the credit and respect of respondent and its officers.

Secondly he has not been able to prove such a Presidentship, thirdly he is a workman first qua management and president of workers union later. If such things are allowed the Presidents will be at liberty to defame the management at their free whims. According to the above ruling even a defamatory and abusive language or statement used outside the premises of the respondents can be taken cognizance of. Similarly is the case exactly of Exhibit M-9, which the worker has boldly owned to be his own, which is undoubtedly libellous and defamatory. Such practices if allowed will not only create problems in maintenance of industrial peace, rather will revolutionise the industrial fraternity. I think, Exhibit M-2 are the certified standing orders. The representative of the management argued that the workman claimant infringed the vires of standing orders applicable on the management in respect of clause 19(19) 24, 31, Sub section (2) of Clause 19 and Sub clause 31 Clause 19. I have gone through all these and fully agree with the contention of the reply of respondent management. The representative of the workman simply denied that these clauses have not been infringed, but how have these clause of standing orders not been infringed he could not explain. Mere denial of a fact does not falsify it.

Over and above this, this workman went ahead and published Exhibit M-43, which is admitted by him in a local Hindi newspaper. This also included the defamatory language against the management.

The management witnesses have

stated in their statement that a strike was got declared by this workman in the respondent factory which was declared illegal by the Government but this man still continued to incite the workers to continue it. If it is also not a misconduct that more can be there? The workman had admitted this fact of strike himself which was declared illegal by the Government.

One argument advanced by the representative of the workman is that the management charge-sheeted this worker,—vide Exhibit M-3 and held a domestic enquiry which at a later stage was not concluded and he was dismissed without holding such an enquiry. The contention of the management is that charge-sheet Exhibit M-3 was given to the worker. He admitted the charges and therefore, there was no need of holding of such an enquiry. Secondly an enquiry which has been held once was wound-up later on without its findings was the objection of the worker. The management contention was that after admission of the charges enquiry was baseless. The domestic enquiry was held to enquire into the charges levelled and the same have been admitted by the worker.

The management relied on famous Fire Stone case:—1973-LLJ-VOL. II Page 278 (S.C.)(F.B.) In this ruling their Lordships were pleased to hold that once enquiry ordered and held and then vitiated or no enquiry are the same. The parties can straight so to court and prove their case and there is no bar to it. This citation is fool proof in the instant case. Even if the enquiry was held still the right of management to come to court straight is not curtailed. So there is nothing wrong if the enquiry was first ordered and then it was done away without its finding Laxmi Devi Sugar Mills Ltd, and Jadurian Dan Singh. 1955-LLJ-VOL. II Page 250 (L.A.T.) also support the version of management.

About the worker being President of worker's union the management has relied upon. 1966-LLJ-Vol. I Page 289 (Bombay) In this ruling an office

bearer of a union in a factory does not absolve himself from his being a worker and therefore, he must maintain his relation and act as a workman there. The workman has not addressed the letter to the officers of the respondent company, rather he has addressed M-10 to the police and also published increminating and insulting language against officers of the respondent company in local language paper by name.

The representative of the worker argued that if the insulting language was used by the worker the onus was on the management to prove that such language was wrong and baseless and in absence of the same it would be presumed that it was based on facts. I cannot agree with this contention of the worker side.

The representative of the worker during arguments drew my attention towards 18(i) of the trade union act, and argued that the worker Satish Parkash as a President of the trade union, could in his capacity as such publish anything in furtherance of his duty as a president. This argument is not correct, even this section creates personal liability on an office bearer of the trade union if he publishes any thing without the consent of its union. No evidence of such a consent or resolution of trade union has been lead by the worker. Secondly this section in return holds such an office bearer personally responsible for such an act. The management cited Jai Chand Bansal and Industrial Tribunal (N. A. Achalaya) Maharashtra and another. 1966-LLJ-Vol. I Page 289 (L.A.T.) (Bom.) in this ruling it is held that an office bearer could be allowed to be dismissed under Section 33 of Industrial Disputes Act for using abusive and insulting language against its officers.

M/s. Daljeet and Co. Ltd., *Ruper vs. The State of Punjab*, 1962 Current L.J. 1962. Vol. II Page 1 & 5 also support the case of the management. Their Lordships were pleased to rule that a worker could be dismissed for levelling false allegations or report and even compensation can be not allowed to such a worker. The other citation relied upon by the management are M/s. Damdma Tea Estate Case 1960-LLJ Vol. II Page 56(S.C.)

1959-LLJ Vol. I Pare 374 (Cal.) which even holds that even rude behaviour is a misconduct and 1959 LLJ Vol. II Page 227 (S.C.) All these rulings I have gone through and am of the opinion that the contention of the management in this case in dismissing the services of the workman Shri Satish Parkash is quite in order and proper.

The next point raised from the management side was promotion of illegal strike by the worker Satish Parkash. I feel it cannot be allowed and is a misconduct in itself.

The last argument advanced from the side of the management was that the workman Satish Parkash had called Mr. Mangu, the personal officer of the respondent company a *Gunda*, which is an abuse. He has neither proved his allegation nor any such act, time or place of date of commission of such an act by Shri Mangu has been proved on file by the workman Satish Parkash.

This workman was charge-sheeted many times by the management which is admitted on record by the workman, but he has said that these were explained by him and therefore, the management did not take any action against him. The contention of the management in this regard is that they each time took a lenient so that the worker could mend himself and may not take the plea of victimization. How long could they take such a lenient view? There is a limit of everything and they became helpless and dismissed him as he accepted the authorship of Exhibit M-10.

The workman has produced some statements in form of affidavits and complaints in the exhibits he produced, of other co-workmen, but these have not been got proved by those persons, nor have such co-workers been put to cross-examination. It is dangerous, to rely on them in absence of these makers of affidavits and statements not brought in the witness box and proving them and they being not to cross-examined by the management.

With the above discussion I am of the opinion that the workman Satish Parkash has committed misconduct of highest order and his dismissal by the respondent management is quite in order and proper and justified.

I decide this issue against the workman Satish Parkash and in favour of the management M/s. The Printers House Pvt Ltd. respondents. The workman is not entitled to any relief. This be read in answer of this reference. No order as to costs.

The 25th February 1981.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court,
Haryana, Faridabad.

Endorsement No. 519. dated the 5th March, 1981.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947 with the request that acknowledgements of the award may please be sent to this court with in a week.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court,
Haryana, Faridabad.

No. 9/81 Slab 4093 —In pursuance of the provision of section 7 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. Rathi Fibre and Fabrics Pvt. Ltd. Plot No. 32, Sector 6, Faridabad.

IN THE COURT OF SHRI ISHWAR PRASAD CHAUDHRY, PRESIDING OFFICER, LABOUR COURT HARYANA, FARIDABAD

Reference No. 550 of 1980.

between

SHRI BANARSI SINGH, WORKMAN AND THE MANAGEMENT OF M.S. RATHI FIBRE AND FABRICS PRIVATE LIMITED, PLOT NO. 32, SECTOR 6, FARIDABAD.

Present :

Workman in person with Shri H. R. DUA.

None for the respondent-management

AWARD

This reference No. 550 of 1980 has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/37564-67, dated 17th July, 1980, under section 10(i) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Banarsi Singh workman and the Management of M/s. Rathi Fibres and Fabrics Private Limited, Plot No 32, Sector 6, Faridabad. The term of the reference was :—

Whether the termination of services of Shri Banarsi Singh was justified and in order ? If not to what relief is he entitled ?

After receiving the reference notices were sent to the parties, who appeared and the workman filed the claim statement. Then the case was fixed for 26th February, 1981 for filing the written statement, but on that day none appeared from the side of the management. On the previous date of hearing i.e. 12th February, 1981 Shri S. C. Singla appeared on behalf of the management. I waited upto 1.30 p.m. and proceeded *ex parte* against the management. Then the case was fixed for *ex parte* evidence of the workman for 5th March, 1981.

On 5th March, 1981 *ex parte* evidence of the workman was recorded. The workman stated that he was employed by the respondent from 7th June, 1974 as a chowkidar at a salary of Rs. 225/-p.m. On 18th April, 1980 the workman asked the management that the minimum wages had been revised by the Government and his salary be increased. Agriving on this the management terminated his services. He further stated that now the minimum wages was Rs. 282.50 p. He further prayed that he be reinstated with full back wages.

In view of the statement made by the workmen on oath, I see no reason why the un-rebutted statement of the workman should not be believed especially when the management chose not to appear and defend this reference. In these circumstances, I hold that the termination of services of Shri Baransi Singh is not justified and in order and he is entitled to be reinstated with full back wages and continuity of service. This be read in answer to this reference.

Dated the 30th March, 1981.

ISHWAR PRASAD CHAUDHRY,

Presiding Officer,
Labour Court Haryana,
Faridabad.

Endorsement No. 710. dated the 30th March, 1981.

Forwarded (four copies) to the Commissioner and Secretary to Government Haryana, Labour & Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

ISHWAR PRASAD CHAUDHRY,

Presiding Officer,
Labour Court, Haryana,
Faridabad

The 11th May, 1981

No. 9 (1)81-8 Lab./4956—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal: Faridabad in respect of the dispute between the workman and the management of M/s. American universal Electric (India) Ltd., Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
HARYANA, FARIDABAD

Reference No. 325 of 1979

between

SHRI MASHI CHARAN, WORKMAN AND THE MANAGEMENT OF M/S AMERICAN
UNIVERSAL ELECTRIC (INDIA) LTD., FARIDABAD

Present.—

Shri Yoginder Singh for the workman

Shri R. N. Roy. for the Management.

AWARD

By order No 145—79/43308, dated 9th October, 1979, the Governor of Haryana referred the following dispute between the management of M/s American Universal Electric (India) Ltd., Faridabad and its workman Shri Mashi Charan to this Tribunal for adjudication, in exercise of the powers conferred by clause (4) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947;—

Whether the termination of services of Shri Mashi Charan was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties issues were framed and the case was fixed for the evidence of the management. The management examined Shri R. N. Rai as MW—1. Shri Sultan Singh as MW—2 and closed their case. Then the case was fixed for the evidence of the workman. But the workman did not adduce his evidence despite many opportunities granted. But on the last date of hearing the workman did not appear. The workman sent a letter to this Tribunal by post that he has settled the dispute with the management and he has taken his account from the management in full and final settlement and there is no claim left with the management and prayed that his case be filed. The representative for the management also agreed to it.

In view of the letter sent by the workman to this Tribunal, I give my award that the dispute has been settled between the parties mutually and there is no dispute now pending for adjudication.

M. C. BHARDWAJ,

Dated the 25th February, 1981

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 207, dated 27th February, 1981

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9(1) 81-8Lab/4973.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. Ashok Metal Industries, Jagadhri.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
HARYANA, FARIDABAD

Reference No. 74 of 1980

between

SHRI AJMER SINGH, WORKMAN AND THE MANAGEMENT OF M/S ASHOK METAL
INDUSTRIES JAGADHRI

Present:—

Shri Rajeshwar Nath, for the workman
Shri Subhash Chahder, for the management.

AWARD

By order No ID/YMN/188-80/58578, dated 1st December, 1980, the Governor of Haryana referred the following dispute between the management of M/s Ashok Metal Industries, Jagadhri and its workman Shri Ajmer Singh, to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Ajmer Singh was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. At the time of rejoinder the representative for the workman made a statement that the workman had left his place of address and was not traceable. He presumed that the workman is not interested in pursuing the dispute.

Therefore, I give my award that the workman is not interested in pursuing his dispute and there is no dispute now pending for adjudication between the parties.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal Haryana,
Faridabad.

Dated the 23rd March, 1981

Indst. No. 350, dated 23rd April, 1981

Forwarded (four copies) to the Secretary to Government Haryana, Labour & Employment Departments Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal Haryana,
Faridabad